

MEMORANDUM

Agenda Item No. 13(A)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing certain settlement in the amount of \$231,774.00 in County eminent domain proceedings in connection with the acquisition of the designated property known as Parcel 4 for acquisition of land required for the construction of a five-lane road along SW 184 Street also known as Eureka Drive, between SW 137 Avenue and SW 147 Avenue

The accompanying resolution was placed on the agenda by the County Attorney's Office.



R. A. Cuevas, Jr.
County Attorney

RAC/cp




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 13(A)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 13(A)(2)

Veto _____

11-5-13

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT BY COUNTY ATTORNEY OF COUNTY EMINENT DOMAIN PROCEEDINGS IN THE AMOUNT OF \$231,774.00, IN CONNECTION WITH THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 4 FOR ACQUISITION OF LAND REQUIRED FOR THE CONSTRUCTION OF A FIVE-LANE ROAD ALONG SW 184 STREET ALSO KNOWN AS EUREKA DRIVE, BETWEEN SW 137 AVENUE AND SW 147 AVENUE, IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-530-06 dated March 9, 2006, previously declared the acquisition of the designated property known as Parcel 4 for the construction of a five-lane road along SW 184 Street (Eureka Drive), between SW 137 Avenue and SW 147 Avenue in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 4, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures specified therein; and

WHEREAS, the County Attorney hereby recommends the settlement amounts as set forth in the attached land acquisition summary sheet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals, and

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 4 on the terms and in the amounts specified in the attached land acquisition summary sheet.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

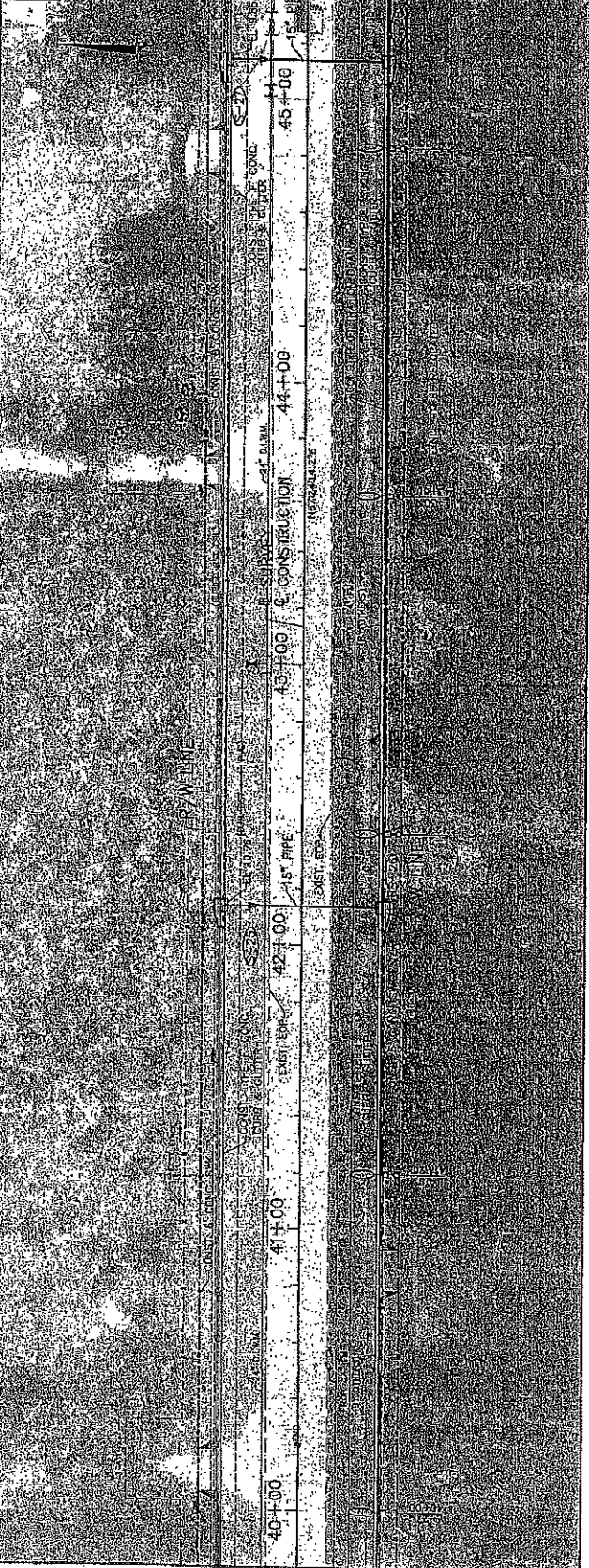
Approved by County Attorney as
to form and legal sufficiency.

Jason Bloch



LAND ACQUISITION SUMMARY SHEET

PROJECT AND LOCATION:	Construction of a 5-lane road along SW 184 Street (Eureka Drive), between SW 137 Avenue and SW 147 Avenue in Miami-Dade County, Florida.
PARCEL NUMBER (AND INTEREST ACQUIRED):	Parcel No. 4 (47,117 sq. feet in fee simple as depicted in the attached sketch)
OWNER:	South Florida Investors Properties, Inc., a Florida corporation
COUNTY'S APPRAISAL AMOUNT:	\$152,200.00 (by Mark Quinlivan, Quinlivan Appraisal, P.A.)
OWNER'S ESTIMATE OF VALUE	\$316,300.00 (Owner's estimate of value derived from Owner's draft appraisal)
SETTLEMENT AMOUNT:	The total settlement amount \$231,774.00. (See Comments below – this amount also includes the owner's attorneys' fees and expert fees for Parcel 4)
POTENTIAL EXPOSURE TO COUNTY (IF NOT SETTLED):	\$164,100.00 (representing the difference between owner's and County's appraisals), plus potential additional interest, attorney's fees, expert fees and costs.
COMMENTS:	Obtaining clear title to this parcel required initiation of eminent domain proceedings. A proposed settlement was reached in the amount of \$231,774.00 which represents full compensation for this parcel, and includes \$200,000.00 for the property acquired, \$15,774.00 for the owner's statutory attorneys' fees, and \$16,000.00 for the owner's expert witness fees and costs. The owner is represented by Gunster Law Firm.



S.W. 184th STREET.

